

Appl. No. 10/661,317  
Atty. Docket No. 9033  
Amdt. dated July 14, 2006  
Reply to Office Action of April 17, 2006  
Customer No. 27752

### REMARKS

#### Claim Status

Claims 1 - 4 were originally filed in present application. Claim 4 has been previously cancelled. Claims 1 - 3 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to change:

- the definition of the R<sub>2</sub> element of second moiety of the anionic polymer defined in A) (i) b) (1) i) to exclude "hydrogen". No matter is added to the claim by this change.

- the definition of the R<sub>2</sub> element of second moiety of the anionic polymer defined in A) (i) b) (2) i) to exclude "hydrogen". No matter is added to the claim by this change.

- the Markush group in the definition of the Y element of the second moiety of the anionic polymer defined in A) (i) b) (1) ii) to properly place the "and" between the last and second last group elements. No matter is added to the claim by this change.

- a typographical error in the definition of the G element of the second moiety of the anionic polymer defined in A) (i) b) (2) ii) to end in a semi-colon (;) and not a period. No matter is added to the claim by this change.

- a typographical error in the definition of the D element of the second moiety of the anionic polymer defined in A) (i) b) (2) iii) to end in a semi-colon (;) and not a period. No matter is added to the claim by this change.

- a typographical error in the definition of the modified polyamines of the modified polyamine polymer defined in B) (i) to end in a semi-colon (;) and not a period. No matter is added to the claim by this change.

- a typographical error in the definition of the the water soluble anion, X<sup>-</sup>, of the V, W, Y, Y' and Z units of the modified polyamines of the modified polyamine polymer defined in B) (i) to be represented by X<sup>-</sup> and not X. No matter is added to the claim by this change.

- a typographical error in the definition of the the anion providing electronic neutrality to the modified polyamine defined in B) (ii) b) to be represented by X<sup>⊖</sup> and not X. No matter is added to the claim by this change.

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It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

The Examiner has rejected Claims 1-3 under 35 U.S.C. §112, second paragraph as being indefinite to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has point to six identified areas of Claim 1 which form the basis of the indefiniteness rejection.

a) The Examiner indicates that Claim 1 is indefinite because moieties a) and b) overlap in scope. Applicants respectfully submit that overlapping scope between two moieties of a claimed polymer is not a proper basis for an indefiniteness rejection. An overlapping of scope between two moieties simply results in a clearly defined polymer having two moieties that are either different or the same. If by a certain selection of the elements of the second moiety, the second moiety is the same as the first moiety, the resulting polymer is clearly defined to be one of repeating units of that moiety. Applicant submits that such a defined polymer is sufficiently defined to meet the requirements of §112, second paragraph.

b) The Examiner indicates that Claim 1 and 29 are indefinite because  $\text{CO}_2\text{H}$  and  $\text{CO}_2\text{R}_2$  where  $\text{R}_2$  is hydrogen are the same entity at two places in the Claims. By the amendments presented hydrogen has been removed as a possible  $\text{R}_2$  element. Applicants submit that these changes resolve the Examiner's concern about these areas of the claim and that the rejection of Claim 1 under §112, second paragraph for this reason is moot. Since the present application does not contain a Claim 29, Applicants assume that this was a typographical error in the action.

c) The Examiner indicates that Claim 1 is indefinite because the term "and" is misplaced in the Markush group in the definition of the Y element of the second moiety of the anionic polymer. By the amendment presented Applicant have moved the "and" between the last and second to last element of the group as required. Applicants submit that this change resolve the Examiner's concern about this area of the claim and that the rejection of Claim 1 under §112, second paragraph for this reason is moot.

d) The Examiner indicates that Claim 1 is indefinite because the period after the "100" of the D element of the second moiety of the anionic polymer. By the amendment

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presented Applicants have corrected this typographical error, and two other erroneous periods, by replacing the periods with semi-colons. Applicants submit that this change resolve the Examiner's concern about this area of the claim and that the rejection of Claim 1 under §112, second paragraph for this reason is moot.

e) The Examiner indicates that Claim 1 is indefinite because the value of "(n-k+1)" where both n and k are zero is not understood. Applicants respectfully point out that where both n and k are zero (n-k+1) reduces to 1. Therefore, where both n and k are zero the formula for the modified polyamines  $V_{(n-k+1)}W_mY_nY'_kZ$  reduces to  $VW_mZ$  where V,  $W_m$  and Z are the proper terminal and backbone units. Applicants submit that the "(n-k+1)" is not indefinite under §112, second paragraph, even when n and k are zero.

f) The Examiner indicates that Claim 1 is indefinite because there is no antecedent basis for "X" in the definition of the the water soluble anion of the V, W, Y, Y' and Z units of the modified polyamines of the modified polyamine polymer. Due to a typographical error the water soluble anion, represented as  $X^-$  in the formulae of V, W, Y, Y' and Z, but was defined as X in the definition. By the amendments presented, Applicants have corrected the typographical error in the definition of the water soluble anion. Applicants submit that this change resolve the Examiner's concern about this area of the claim and that the rejection of Claim 1 under §112, second paragraph for this reason is moot.

For all of the reasons discussed above, Applicants submit that the Examiner's reasons for rejecting Claim 1 under 35 U.S.C. §112, second paragraph are either erroneous or make moot by the amendments presented herein. Applicants respectfully request that the rejection of Claims 1-3 under §112, second paragraph should be withdrawn.

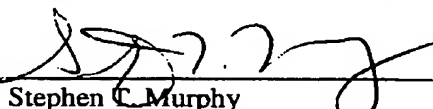
#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection of Claims 1-3 under 35 U.S.C. §112, second paragraph. This response represents an earnest effort to place the application in proper form. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3 is respectfully requested.

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Respectfully submitted,

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